

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JONATHAN MATOS AND
RAMON DIAZ

Case No. 04-CR-10237-NG

Violations:

- 21 U.S.C. §846 - Conspiracy to
to Possess Cocaine with
Intent to Distribute
- 21 U.S.C. §841(a)(1) -
Possession of Cocaine
with Intent to Distribute
- 18 U.S.C. §924(c)(1)(A) -
Possession of a Firearm
in Furtherance of a Drug
Trafficking Crime
- 18 U.S.C. §922(g)(1) -
Possession of a Firearm
and Ammunition by a
Convicted Felon
- 21 U.S.C. §853 - Forfeiture

INDICTMENT

COUNT ONE: 21 U.S.C. §846 - Conspiracy to Possess Cocaine
with Intent to Distribute

The Grand Jury charges that:

From on or about December 4, 2003, and continuing until on
or about February 26, 2004, at New Bedford and elsewhere in the
District of Massachusetts, and in Rhode Island,

JONATHAN MATOS AND RAMON DIAZ,

defendants herein, did knowingly and intentionally combine,
conspire, confederate and agree, with each other to possess with
intent to distribute and to distribute a quantity of cocaine, a

Schedule II controlled substance, in violation of Title 21,
United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section
846.

**COUNT TWO: 21 U.S.C. §841(a)(1) - Possession of Cocaine
 With Intent to Distribute**

The Grand Jury further charges that:

On or about February 26, 2004, in New Bedford, in the
District of Massachusetts,

JONATHAN MATOS AND RAMON DIAZ,

defendants herein, did knowingly and intentionally possess with
intent to distribute cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section
841(a)(1) and Title 18, United States Code, Section 2.

**COUNT THREE: 18 U.S.C. 924(c)(1)(A) - Possession of a Firearm in
Furtherance of a Drug Trafficking Crime**

The Grand Jury further charges that:

On or about February 26, 2004, in New Bedford, in the
District of Massachusetts,

JONATHAN MATOS AND RAMON DIAZ,

defendants herein, did possess a firearm, to wit: a Rossi .357
caliber revolver, Model M971, bearing serial number F099216, and
six rounds of .357 caliber ammunition, in furtherance of drug
trafficking crimes, to wit: conspiracy to distribute and to
possess with the intent to distribute a quantity of cocaine as
charged in Count One of this indictment, and possession with the
intent to distribute a controlled substance, as charged in Count
Two of this indictment.

All in violation of Title 18, United States Code, Section
924(c)(1)(A).

COUNT FOUR: 18 U.S.C. §922(g)(1) - Possession of a Firearm by a Convicted Felon.

The Grand Jury further charges that:

On or about February 26, 2004, in New Bedford, in the District of Massachusetts,

RAMON DIAZ,

defendant herein, did knowingly possess, in and affecting commerce, after having been convicted of a crime punishable by a term of imprisonment in excess of one year, a firearm and ammunition, to wit: a Rossi .357 caliber revolver, Model M971, bearing serial number F099216, and six rounds of .357 caliber ammunition.

All in violation of Title 18, United States Code, Section 922(g)(1).

CRIMINAL FORFEITURE ALLEGATION

(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One through Three,

JONATHAN MATOS AND RAMON DIAZ,

defendants herein, shall forfeit to the United States for its use and benefit any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses.

2. If any of the forfeitable property described in paragraph 1 above, as a result of any act or omission of the defendants -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described

in paragraph 1 of this paragraph.


All in violation of Title 21, United States Code, Section 853.

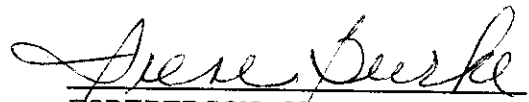
NOTICE OF ADDITIONAL FACTORS

The Grand Jury further finds that:

1. Defendant Ramon Diaz was a career offender, as described in U.S.S.G. § 4B1.1, at the time that the offenses were committed.


A TRUE BILL


William H. Connolly
Assistant U.S. Attorney


FOREPERSON OF GRAND JURY

DISTRICT OF MASSACHUSETTS, Boston, August 11, 2004.

Returned into the District Court by the Grand Jurors and filed.


Deputy Clerk
8/11/04 12:34
(15)

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency ATF

City New Bedford Related Case Information: 04-cr-10237-NG

County Bristol Superseding Ind./ Inf. _____ Case No. _____

Same Defendant X New Defendant _____

Magistrate Judge Case Number 04-1800-CBS

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:

Defendant Name Jonathan Matos Juvenile ☐ Yes ☒ No

Alias Name _____

Address 342 Hathaway Boulevard, New Bedford

Birth date: ** ** 83 SS#: *** ** 4309 Sex: M Race: Hispanic Nationality: U.S.A.

Defense Counsel if known: John Devito Address: 20 Eastbrook Road

Bar Number: _____ Dedham, MA 02026

U.S. Attorney Information:

AUSA William H. Connolly Bar Number if applicable 634501

Interpreter: ☐ Yes ☒ No List language and/or dialect: _____

Matter to be SEALED: ☐ Yes ☒ No

☐ Warrant Requested ☐ Regular Process ☒ In Custody

Location Status:

Arrest Date: _____

☒ Already in Federal Custody as pre-trial detainee in Plymouth

☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by _____ on _____

Charging Document: ☐ Complaint ☐ Information ☒ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 3

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 8/11/04 Signature of AUSA: [Signature]

District Court Case Number (To be filled in by deputy _____)

Name of Defendant Jonathan Matos

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. 846</u>	<u>Conspiracy to Possess Cocaine w/ Int. to Dist</u>	<u>1</u>
Set 2	<u>21 U.S.C. 841(a)(1)</u>	<u>Possession With Intent to Distribute Cocaine</u>	<u>2</u>
Set 3	<u>18 U.S.C. 924(c)(1)(A)</u>	<u>Possess. F/A in Furtherance of Drug</u>	<u>3</u>
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

District Court Case Number (To be filled in by deputy) _____

Name of Defendant Jonathan Matos

Matos JS 45.wpd - 3/13/02

JS 45 (5/97) - (Revised USAO MA 3/25/02)

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts****Place of Offense:****Category No.** II**Investigating Agency** ATF**City** New Bedford**Related Case Information:**04-cr-10237-NG**County** Bristol

Superseding Ind./ Inf.

Case No.

Same Defendant X

New Defendant

Magistrate Judge Case Number

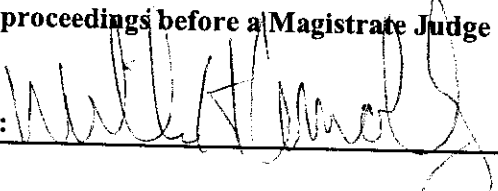
04-1801-CBS

Search Warrant Case Number

R 20/R 40 from District of

Defendant Information:**Defendant Name** Ramon Diaz**Juvenile**☐ Yes☒ No**Alias Name****Address** 38 Ashley Street, New Bedford**Birth date:** ** ** 57**SS#:** *** ** 8858**Sex:** M**Race:** W**Nationality:** U.S.A.**Defense Counsel if known:** Richard Ivker**Address:****Bar Number:****U.S. Attorney Information:****AUSA** William H. Connolly**Bar Number if applicable** 634501**Interpreter:**☐ Yes☒ No**List language and/or dialect:****Matter to be SEALED:**☐ Yes☒ No☐ Warrant Requested☐ Regular Process☒ In Custody**Location Status:****Arrest Date:**☒ Already in Federal Custody as pre-trial detainee in Plymouth☐ Already in State Custody ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____**Charging Document:**☐ Complaint☐ Information☒ Indictment**Total # of Counts:**☐ Petty☐ Misdemeanor☒ Felony4

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.**Date:**8/11/04**Signature of AUSA:**

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy) _____

Name of Defendant Ramon Diaz

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. 846</u>	<u>Conspiracy to Possess w/ Intent to Dist. Cocaine</u>	<u>1</u>
Set 2	<u>21 U.S.C. 841(a)(1)</u>	<u>Possession with Intent to Distribute Cocaine</u>	<u>2</u>
Set 3	<u>18 U.S.C. 924(c)(1)(A)</u>	<u>Poss. of Firearm in Furtherance of Drug Traff.</u>	<u>3</u>
Set 4	<u>18 U.S.C. 922(g)(1)</u>	<u>Felon in Possession</u>	<u>4</u>
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

District Court Case Number (To be filled in by deputy _____

Name of Defendant Ramon Diaz

Diaz JS 45.wpd - 3/13/02